

UNITED STATES DISTRICT COURT  
JUDICIAL District of PUERTO RICO

ENTERED ON DOCKET  
11/30/99  
URGENT TO PHAP 4(b)

UNITED STATES OF AMERICA

## JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Vs.

ARMANDO BOREL-BARREIRO

Case Number: 97CR091-08 (JAF)

(Name of Defendant)

YOLANDA COLLAZO, ESQ.  
Defendant's Attorney

## THE DEFENDANT:

- [ ] pleaded guilty to count(s) \_\_\_\_\_.
- [X] was found guilty on count(s) 1 & 5 after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18:371 18:666 & 2	- CONSPIRACY TO COMMIT OFFENSE OR DEFRAUD THE UNITED STATES, A CLASS "D" FELONY. -THEFT CONCERNING PROGRAM RECEIVING FEDERAL FUNDS, AND AIDING AND ABETTING, CLASS "C" FELONIES. -ATTEMPT TO OBSTRUCT CRIMINAL INVESTIGATIONS BY BRIBERY, AND AIDING AND ABETTING, A CLASS "C" FELONY.	05-09-97	1 & 5

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- [ ] The defendant has been found not guilty on count(s) \_\_\_\_\_ and is discharged as to such count(s).

- [ ] Counts \_\_\_\_\_ dismissed on the motion of the United States.

- [X] It is ordered that the defendant shall pay a special assessment of \$50.00, for count(S) 1 and 5, which shall be due [X] immediately as follows for a total of \$100.00.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 595-30-5744Defendant's Date of Birth: 09-14-45U. S. Marshal No.: 14963-059

Defendant's Mailing Address:

#13990 SOUTHWEST 18 TERRACE  
MIAMI, FL 33715

Defendant's Residence Address:

Same as above.

NOVEMBER 10, 1999  
Date of Imposition of Sentence

*[Signature]*  
Signature of Judicial Officer

JOSE ANTONIO FUSTE, U.S. DISTRICT JUDGE  
Name & Title of Judicial Officer

11/30/99  
DATE

Defendant: ARMANDO BOREL REIRO  
Case Number: CR. 97-091-008 (JAF)

Judgment-Page 2 of 5

**IMPRISONMENT**

The defendant is hereby sentenced to be committed to the custody of the Bureau of Prisons for a term of ONE  
YEAR AND ONE DAY.

**(REQUEST FOR VOLUNTARY SURRENDER WAS GRANTED BY THE COURT)**

[X] The Court makes the following recommendations to the Bureau of Prisons:  
Defendant be allowed to serve her term of imprisonment somewhere in the South-Eastern portion of the U.S.

- ☐ The defendant is remanded to the custody of the United States Marshal.  
☐ The defendant shall surrender to the United States Marshal at his home state,

☐ \_\_\_\_\_  
☐ as notified by the Marshal.

- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons  
☐ \_\_\_\_\_  
☐ as notified by the United States Marshal.  
☐ as notified by the Probation Office.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_ with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal  
By \_\_\_\_\_  
Deputy Marshal

Defendant: ARMANDO B. DEL-BARREIRO  
Case Number: CR. 97-091-08 (JAF)

Judgment-Page 3A of 5

**ADDITIONAL STANDARD CONDITIONS OF SUPERVISION**

1. The defendant shall not commit any crimes, federal, state, or local, and shall comply with the standard conditions of Supervised Release promulgated by the United States Sentencing Commission and adopted by this Court.
2. The defendant shall not unlawfully possess a controlled substance, and refrain from possessing firearms, destructive devices, or other dangerous weapons.
3. The defendant shall provide the probation officer access to any financial information upon request.
4. The defendant shall make restitution in the amount of \$18,777.20 to the U.S. Department of Health and Human Services, during the first thirty (30) months of supervision as directed by the U.S. Probation Officer and notify the U.S. Attorney's Office, as well as the probation officer of any change of name or address that occurs before the full amount has been paid. Restitution payments shall be made to the Clerk, U.S. District Court to be forwarded to the victim.

Pursuant to the provisions of Title 18, U.S. Code, Section 3563(a)(5), the Court waives the requirement for mandatory drug testing in the absence of any evidence of present drug use and the low risk of future abuse of controlled

Defendant: ARMANDO B. EL-BARREIRO  
Case Number: CR. 97-0091-008 (JAF)

Judgment-Page 4 of 5

**RESTITUTION AND FORFEITURE**  
**RESTITUTION**

☒ The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES	(\$18,777.20)

Payments of restitution are to be made to:

- ☐ the United States Attorney for transfer to the payee(s).  
☐ the payee(s).

Restitution shall be paid:

- ☒ during the first twenty (20) months of the supervision period.  
☐ in full not later than \_\_\_\_\_.  
☐ in equal monthly installments over a period of \_\_\_\_\_ months. The first payment is due on the date of this judgment. Subsequent payments are due monthly thereafter.  
☐ in installments according to the following schedule of payments:

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

**FORFEITURE**

- ☐ The defendant is ordered to forfeit the following property to the United States:

Defendant: ARMANDO BOREL JARREIRO  
Case Number: CR. 97-0091-08 (JAF)

Judgment-Page 5 of 5

### STATEMENT OF REASONS

☒ The court adopts the factual findings and guideline application in the pre-sentence report.

OR

☐ The court adopts the factual findings and guideline application in the pre-sentence report except (see attachment if necessary):

#### Guideline Range Determined by the Court:

Total Offense Level: 11

Criminal History Category: 1

Imprisonment Range: 12 TO 18 MONTHS.

Supervised Release Range: 2 TO 3 years

Fine Range: \$ 3,000.00 To \$ 30,000.00

☒ Restitution is imposed:

Total Amount of Restitution: \$18,777.20

Total Amount of Fine: NONE

☐ Restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweigh the need to provide restitution to any victims, pursuant to 18 USC Section 3663(d).

☐ For offenses committed on or after September 13, 1994 but before April 23, 1996 that require the total amount of loss to be stated, pursuant to Chapters 109A, 110, 110A, and 113A of Title 18, restitution is not ordered because the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any or some portion of a restitution order in the foreseeable future under any reasonable schedule of payments.

☐ Partial restitution is ordered for the following reason(s):

☐ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

☐ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

☐ The sentence departs from the guideline range:

☐ upon motion of the government, as a result of defendant's substantial assistance.

☐ for the following specific reason(s):